

MEMORANDUM

TO: Mike Geisel, City Administrator

FROM: Justin Wyse, Director of Planning & Development Services

SUBJECT: Planning & Public Works Committee Meeting Summary ^{JW}
Wednesday, October 4, 2017



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Wednesday, October 4, 2017, in the Council Chambers.

In attendance were: **Chair Guy Tilman** (Ward II), **Councilmember Barbara McGuinness** (Ward I), **Councilmember Dan Hurt** (Ward III), and **Councilmember Michelle Ohley** (Ward IV).

Also in attendance were: Mayor Bob Nation; Councilmember Randy Logan (Ward III); Planning Commission Chair Merrell Hansen; Justin Wyse, Director of Planning & Development Services; Cecilia Dvorak, Project Planner; Cassie Harashe, Project Planner; and Kathy Juergens, Recording Secretary.

The meeting was called to order at 5:46 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the September 20, 2017 Committee Meeting Summary

Councilmember Ohley made a motion to approve the Meeting Summary of September 20, 2017. The motion was seconded by Councilmember Hurt and passed by a voice vote of 4-0.

II. UNFINISHED BUSINESS – None.

III. NEW BUSINESS

- A. P.Z. 08-2017 Brite Worx Carwash (Wallis Companies):** A request for a zoning map amendment from a “PC” Planned Commercial District to a new “PC” Planned Commercial District for 1.8 acres located on the western corner of the intersection of Baxter Road and Clayton Road. (21R410960). (Ward 3)

STAFF REPORT

Cassie Harashe, Project Planner, presented the request for a zoning map amendment from a “PC” Planned Commercial District to a new “PC” Planned Commercial District for a tunnel carwash at the corner of Baxter Road and Clayton Road. The site is currently a Mobil gas station. The zoning was changed to PC in June of 2001 to allow for a 16-fuel pump gas station,

convenience store, fast-food restaurant and carwash but the approved plan was never built. The petitioner is now requesting an amendment for a carwash only.

A Public Hearing was held May 8, 2017 at which time several concerns were raised regarding noise, traffic, wastewater, lighting, and architectural standards. At the Planning Commission meeting on September 25, 2017, there was considerable discussion regarding these topics including the sound study and retaining walls. Ultimately the Planning Commission voted to recommend approval by a vote of 5-3 with no changes to the Preliminary Plan or Attachment A.

DISCUSSION

There was considerable discussion regarding the sound decibels emitted from the dryer and surrounding traffic.

In response to questions from Councilmember Hurt and Chair Tilman regarding acoustics, Mr. Jim Holtrop, Acoustic Controls, explained that the largest noise source for this site is the existing traffic at the intersection of Baxter and Clayton. He confirmed that the sound from the tunnel would be louder at the exit point rather than at the entrance. He further explained that when two sources are both 50 decibels, the two sources would be an additive and would actually measure 53 decibels. If one source is 50 decibels and the other is 60 decibels, it would be measured as 60.1 decibels. Sound that is 10 decibels below the existing level is non-measurable. In an effort to mitigate the sound, the petitioner is proposing a retaining wall with a sound barrier on top, along with bringing the surrounding fencing closer to the building.

Councilmember Hurt concurred with Mr. Holtrop's comments but expressed concern that the sound will adversely impact the character of the neighborhood. He noted that the structures and onsite traffic are being moved closer to the neighborhood on the north, which may increase the noise levels for the residents closest to the site.

Councilmember Hurt also expressed concern with access to the site. Since access to the site is right-in/right-out only, motorists traveling north on Baxter Road have a tendency of turning around at the entrance to Woodfield Subdivision to head south on Baxter to gain access to the site. Residents are concerned that with the additional proposed traffic of 300 cars per day, this will become an even greater problem. He further stated that he believes the estimate of an additional 300 cars per day may be under-estimated.

Mr. Kamp stated that based on current cash receipts, the existing site generates 400 cars per day. If the site is redeveloped as previously approved; gas station, convenience store, fast-food restaurant and carwash facility, it could generate 1100 cars per day. He noted that the proposed configuration is similar to the Wallis Companies' Wildwood site which generates 1500 cars per day. BriteWorx is only a carwash with limited hours of operation and with an estimated volume of 300 cars per day.

Councilmember Hurt stated that he represents the neighboring residents and agrees with them that the sound and traffic will negatively affect their quality of life. The residents had no objection to the site development plan approved in December of 2001, which included a carwash. The residents feel that the proposed larger Brite Worx carwash is more obtrusive than what was previously approved. The approved site development plan is closer to the northern property and the proposed plan is even closer, encroaching on the current greenspace buffer that exists between the properties.

In response to Chair Tilman's question relative to the current configuration, Mr. Kamp stated that the site is designed in order to conform to the City's throat distance requirements.

Councilmember Hurt made a motion to forward P.Z. 08-2017 Brite Worx Carwash (Wallis Companies) to City Council with a recommendation to deny. The motion was seconded by Councilmember Ohley and **passed by a voice vote of 4-0.**

Note: One Bill, as recommended by the Planning Commission, will be needed for the October 16, 2017 City Council Meeting. See Bill #

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services Director, for additional information on P.Z. 08-2017 Brite Worx Carwash (Wallis Companies).]

B. POWER OF REVIEW: Chesterfield Outlets, 2nd Amended Sign Package: A request for a 2nd Amended Sign Package for the Chesterfield Outlets development to modify sign criteria for the Taubman Outlet Mall. (Ward 4)

STAFF REPORT

Cecilia Dvorak, Project Planner, stated the request is for a second amendment to the Sign Package to modify sign criteria for the Taubman Prestige Outlet Mall. The subject site is located north of North 40 Outer Road and I-64/US-40 and east of Boone's Crossing. The Planning Commission reviewed the request on September 25, 2017. At that time and after much deliberation and discussion, the Commission agreed that the temporary 96 sq. ft. signs would be permitted only at the easternmost portion of the site and at the second entrance from the western portion of the site with the condition that they are to be removed no later than January 1, 2018. Additionally, one 16 ft. inflatable would be permitted at the southeast corner of the site and a 20 ft. inflatable would be permitted at the site of the pumpkin patch, both of which are to be removed by November 1, 2017. They could be replaced with Christmas trees which would be removed by January 1, 2018. Discussion at the meeting also confirmed that if the applicant wished to have temporary signage and/or attention-getting devices after January 1, 2018, they would be required to reapply for a Sign Package amendment.

DISCUSSION

In response to questions from the Committee, Ms. Dvorak stated that inflatables are not permitted in the Unified Development Code (UDC) but the Temporary Sign Package does permit an applicant to request them with review by the Planning Commission. Ms. Dvorak also stated that the proposed 16-foot inflatable would be located on the southeast corner and the 20-foot inflatable would be located at the pumpkin patch site adjacent to the Outlet Mall. Councilmembers Hurt and Ohley both recalled discussion at the meeting that the inflatables would be reduced in height. Merrell Hanson, Planning Commission Chair, stated that she recollected that they only reduced the number of locations but left the height the same.

There was considerable discussion and debate as to whether the applicant should have applied for a Temporary Sign Permit versus an amendment to the Sign Package for the Outlet Mall. Because temporary signs are not permitted in the approved Sign Package for the development, the Petitioners were instructed to request an amendment to the Sign Package to allow temporary signage for the pumpkin and holiday seasons.

Mike Doster, representing Taubman, stated that the Sign Package allows for deviation from the City's sign regulations so the development is able to customize signage to fit the circumstances of the site and the nature of the business. Taubman is a very large and elongated center and while it was developed first in the Valley, it has not fared as well as its competitor further west. Taubman has been actively seeking tenants to fill vacancies and they have been looking for activities that will draw people to the site. It is believed that this is an opportunity to bring a very successful operator to the site, who has been located in Kirkwood for a long time. The user is coming to the site and desires to announce who they are and what they are doing. This use will operate on a portion of the center that is yet to be developed and will be community-oriented, similar to Rombach's Pumpkin Patch. It will bring traffic to the center which will benefit the other tenants in the center as well. The proposed signage is a compromise that was approved 7-1 by the Planning Commission and is for a very short term lasting only until the end of the year. The pumpkin season lasts a little over a month and half of that period will be lost due to the approval process. The Holiday season will last for about a month and then the approval terminates. The operator will then decide if this use has been successful and if they decide to continue with a seasonal use for the spring, they will apply for another amendment to the sign package. As discussed with the Planning Commission, this is being done on a trial basis. If it does not work for the operators, they may not come back. The petitioners feel this is an appropriate use for the location as it replaces Rombach's and they believe people will enjoy it. Mr. Doster pointed out that this center needs people and he believes the City should take steps to encourage activities that bring in more visitors.

Councilmember Hurt expressed his opposition to: 1) inflatables being used as signage, and 2) signage that does not meet the standards of the City's Temporary Sign Ordinance. He pointed out that the requested signs are larger than what is allowed for temporary signs.

Mayor Nation stated he understands that the Sign Package prohibits temporary signs. He also understands that Mr. Doster was given the direction that the only way to apply for temporary signs was to amend the existing Sign Package, which is what they have done. He further understands the restrictions contained in the City Code. However, he does "believe in common sense and recognizes that one size does not fit all." He stated that commerce pays the bills for municipalities and urged the Committee to be reasonable when considering this request.

Chair Tilman stated that the Temporary Sign Ordinance was developed so that these types of signs could be approved administratively by Staff without having to be approved by City Council. However, this is a situation where the Temporary Sign Ordinance cannot be utilized even though it is a temporary sign request. Councilmember Hurt recommended that the Petitioner request an amendment to the development's Sign Package to allow for temporary signs on site.

(Councilmember McGuinness left the meeting at this point.)

There was further discussion regarding the use of inflatables on the site. The Petitioner agreed to eliminate the 20 foot inflatable at the easternmost corner of the site and to keep the other inflatable in the area where products are to be sold, thus, it will be considered part of the display and not signage.

After further discussion, **Councilmember Hurt made a motion to forward Chesterfield Outlets 2nd Amended Sign Package to City Council with a recommendation to deny the requested amendment to the Sign Package.** The motion was seconded by Councilmember Ohley.

Discussion after the motion

Responding to questions from the Committee, Mr. Wyse explained the process of applying for a temporary sign permit. He noted that the Petitioner would not be in compliance with the requirements of the Unified Development Code because the request is for two signs and only one sign is permitted. In addition, the proposed signs are larger than what is allowed. Mr. Wyse further explained that the only reference to the type of sign material allowed is within the Sign Package for the development, which states the material shall be of superior design and high quality. There is no specific reference to the type of material that is allowed or not allowed for temporary signs.

The above motion **passed** by a voice vote of 3-0.

After further discussion, **Councilmember Tilman** made a motion to allow temporary signage as part of the Sign Package for Taubman Chesterfield Outlets with the condition that all temporary signage shall be in conformance with the Unified Development Code. The motion was seconded by Councilmember Hurt.

Discussion after the motion

To clarify, Mr. Wyse confirmed that a Temporary Sign Permit addresses duration, the type of sign, the type of event, and allows for the renewal of the permit. He also pointed out that allowing temporary signage as part of the Sign Package will permit any tenant within the Outlet Mall to have temporary signs, such as banners for special promotions, which were not previously allowed within the development. He also confirmed that until City Council approves this amendment to the Sign Package, the Petitioner is not allowed to display any signage.

The above motion **passed** by a voice vote of 3-0.

[Please see the attached report prepared by Justin Wyse, Director of Planning and Development Services Director, for additional information on Chesterfield Outlets 2nd Amended Sign Package.]

IV. **OTHER** – None.

V. **ADJOURNMENT**

The meeting adjourned at 7:21 p.m.